REMARKS

Claims 78-88 are pending in this application, with claim 78 being independent. Claims 1-77 were previously cancelled.

Rejection under 35 U.S.C. 103(a)

Claims 78, 80-83, and 85-87 stand rejected under 35 U.S.C. 103(a) as being rendered obvious by Merriman (U.S. Publication No. 2002/0072965) in view of Messer et al. (WO Publication No. 98/57285).

Claim 78 recites a method of compiling transaction information. A cookie is formatted at an ad server. The cookie includes information related to a selection of an advertisement at a content site. A cookie is stored at a user node of a user who made the selection and provided from the user node to the ad server whenever the user makes a transaction at a sale site associated with the advertisement.

Neither Merriman nor Messer describes or suggests, "providing the cookie from the user node to the ad server whenever the user makes a transaction at a sale site associated with the advertisement," as required by claim 78. The Office Action recognizes this with respect to Merriman and notes that Merriman "does not explicitly disclose the feature of tracking subsequent sales transactions at the affiliate/merchant sites."

Instead, the Office Action relies on Messer to address this limitation. As was previously described in applicant's previous response, Messer describes a process by which a user 10 interfaces with a content provider 20, a clearing house 30, and a merchant 40. See, e.g., Fig. 1. As discussed in the relied upon portions of Messer, Messer describes that cookies are used to indicate user identities. However, Messer indicates that cookies are installed before a transaction has been initiated. See, e.g., Fig. 6B (indicating that cookies are placed when there is NOT a purchase); see also the decision of the BPAI dated January 29, 2009 on page 12 ("We find that the only description of editing a cookie at a specified server in Messer occurs at the Merchant server (FF 05).").

Thus, Messer cannot be relied upon because Messer indicates that the cookie is created when a content provider 20 refers a user 10 to a merchant server 40 – **not** "whenever the user

makes a transaction at a sale site associated with the advertisement," as required by independent claim 78. Accordingly, withdrawal of the rejection of claim 78 and its dependent claims is respectfully requested.

No fees are believed due. However, please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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/Thomas A. Rozylowicz/

Thomas A. Rozylowicz
Reg. No. 50,620

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (877) 769-7945

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